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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/183,717	10/30/98	DESCH	D 080398.P162

LM02/0411

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EXAMINER	
HUANG,S	
ART UNIT	**PAPER NUMBER**
2711	6

DATE MAILED: 04/11/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/183,717	Desh
Examiner	**Group Art Unit**
Sam Huang	2711

☒ Responsive to communication(s) filed on *Jan 14, 2000*

☒ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) *1-40* is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *1-40* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Response to Amendment

1. Applicant's arguments filed January 14, 2000 have been fully considered but they are not persuasive. Examiner maintains the rejections below and presents further remarks. Newly added claims 38-40 are also addressed in the new action.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 38-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase "substantially simultaneously" is vague and does not clearly set forth the metes and bounds of the claimed invention.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

5. Claims 1-3, 6, 10, 16-17, 24-27, 34, 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Pauley (US 5,900,916).

Regarding claims 1 and 6, Pauley discloses an apparatus for presentation of images from multiple sources on a monitor or television at the same time comprising: selecting for viewing, a first show associated with a first channel from a first source; displaying the first show; selecting for viewing, a second show associated with a second channel from a second source; and displaying the second show simultaneously with the first show (cols. 1-4).

As for claims 2, 3, 10, 24, 25, 34, 35 Pauley also reveals that "'sources' means a provider of information, such as a television station, cable provider, Internet site" (col. 5, lines 19-21) and that "any mode of input may be utilized, for example a television station, a cable system, satellite, a video tape recorder/player and DVD." (Col. 5, lines 16-18).

Concerning claims 16, 17 and 26, 27, Pauley discloses an entertainment system comprising: a display monitor 12 with television/cable/satellite broadcast tuners read on as receivers coupled to the display monitor wherein the tuners are capable of receiving programming data associated with a plurality of sources for viewing on the display monitor (see Fig. 1); a plurality of memory elements (col. 4, lines 7-39); and control system 50 read on to be a central processing unit coupled to the plurality of memory elements, wherein the control system

selects one of the plurality of shows into the plurality of memory elements and to display the plurality of shows continuously and in a picture in picture format (cols. 5, 6, and 7).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 38, 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pauley (US 5,900,916).

Regarding claims 38 and 39, Pauley discloses a monitor 12 and a plurality of sources, including but not limited to, a VCR 30, DVD 32, input 1 22, and input 2 24. The teaching of receiving a television program from a broadcasting source, displaying the program on a television monitor, and recording the television program on a VCR simultaneously as the program is being displayed is extremely well known in the art. Therefore, it would have been obvious to one skilled in the art to permit the user to record the "shows" on a recording device so that the user may view it at his leisure.

As for claim 40, the art of encoding and decoding or encrypting or decrypting video broadcast information is extremely well known in the art. Accordingly, it would have been

obvious to one skilled in the art to use some form of encryption and decryption means so that only the subscriber/user intended to receive the program can benefit from it.

8. Claims 4, 5, 12, 13, 18, 19, 20, 28, 29, 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pauley (US 5,900,916) in view of Usui et al. (US 5,808,694, hereinafter "Usui").

Regarding claims 4, 5, 12, 13, 19, 20, 29, 30, Pauley does not specifically disclose the method of loading programming data into memory and producing a screen menu, however, Usui provides an electronic program guide ("EPG") system and electronic program guide displaying method wherein a plurality of program guides from a plurality of sources are stored in memory and displayed (col. 2, lines 3-24). Usui also teaches the method of executing software by a CPU to produce a screen menu and generating the EPG data according to the selection made from the screen menu (cols. 5 and 6). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pauley by the teachings of Usui so that the user is benefited with program guides from each source that the user receives as well as a menu screen to lay out in a organize manner the plurality of EPG listings.

As for claims 18 and 28, Pauley fails to specifically show an integrated receiver decoder within the system. However, Usui teaches an IRD 4 to receive EPG data from a plurality of sources (see Abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Pauley by the teachings of Usui so that coded data from the transmitter/headend may be received and converted back to its original form.

9. Claims 7-9, 11, 14, 15, 21-23, 31-33, 36, 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pauley (US 5,900,916).

Regarding claims 7-9, 21-23, 31-33 Pauley reveals an apparatus for presentation of images from multiple sources on a display monitor. Additionally, the plurality of sources transmits broadcast signals from local television stations, cable companies or satellite stations. Although Pauley fails to specifically disclose the coding techniques associated with the transmission of broadcast signals, amplitude modulation, frequency modulation and phase modulation coding techniques are extremely well known in the art of broadcast transmission technology. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the above coding techniques for transmitting broadcast signals in order to comply with standards and make use of what is well known.

As for claim 11, Pauley shows that "'sources' means a provider of information, such as a television station, cable provider, Internet site" (col. 5, lines 19-21) and that "any mode of input may be utilized, for example a television station, a cable system, satellite, a video tape recorder/player and DVD." (Col. 5, lines 16-18).

As for claims 14, 15, 36, 37, Pauley provides an apparatus wherein a VCR 30 is coupled to the multiple image display system 10. Although the VCR 30 in Pauley functions as a source providing video images, VCR is extremely well known as a recording means for a plurality of sources. Therefore, it would have been obvious to one of ordinary skill in the art to modify

Pauley so that the user may record programs from the plurality of sources received by the image display system 10.

Response to Arguments

Applicant amends claims 1-3, 6-8, 10, 11, 16, 21, 22, 24-26, 31, 32, 34 and 35 by adding the limitation of "user-specified" because "the present invention allows the user to specify or select a source for a channel. Allowing the user to specify or select a source for a channel may be useful in an exemplary scenario where one channel may be provided from a plurality of sources ... .In this exemplary scenario, the user may specify or select a desired source for the channel from the plurality of sources. (Specification; p. 18, lines 5-21; Figure 4)." (Applicant's Amendment January 14, 2000; page 9, paragraph 2).

Assuming arguendo Pauley fails to show "user-specified" as recited in the claims. The "user-specified" limitation is prior art admitted by the applicant. Pursuant to applicant's Specification, applicant introduces "[r]ecent advances by Sony Corporation [which] has resulted in the introduction of an analog NTSC-based television having an input for receiving cable-based broadcasts and a separate input for receiving local, cabled based and/or terrestrial-based digital broadcasts. ***As a result, the consumer may select to view DSS channels and local/terrestrial/cable-based channels through the use of a single DSS system by selecting the appropriate input on the television. ... The user ... first select the source and then select from among the channels available from that particular source.***" (Emphasis added by Examiner,

Specification; pgs. 1 and 2). Accordingly, it would have been obvious to one of ordinary skill in the art to modify Pauley in view of applicant's admitted art of user-specified selection of sources in order to allow the user to control his/her viewing options.

Furthermore, Examiner respectfully disagrees with applicant in asserting that Pauley fails to show or teach a "user-specified" system. Pursuant to Pauley, his invention provides "a receiver 52 [which] receives remote signals, such as supplied from a remote control which are supplied to the control system 50." (Fig. 1; col. 5, lines 55-61). Additionally, Pauley reveals, by way of example, that a user can input channels directly from the remote control key pad in order to access the desired channel from a desired source. (Col. 7, lines 5-8). The receiver 52 together with the control system 50 and the user remote control provide the user with the means to select the desired source and the desired channel. Therefore, applicant argument fails since Pauley clearly provides a "user-specified" apparatus for control of images from multiple sources.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this action should be mailed to:

Box AF

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or faxed to:

(703) 308-6306, -6296, (for formal communications; please mark "EXPEDITED PROCEDURE", for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Huang whose telephone number is (703) 305-0627. The examiner can normally be reached on M-Th from 8:30 to 6:00 Eastern Standard time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

SH

April 5, 2000

ANDREW I. FAILE
SUPERVISORY PATENT EXAMINER
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